UNITED STATES PATENT AND TRADEMARK OFFICE

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10/080,671	02/25/2002	Charles Edward Anderson IV	1875.1990000	8173

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EXAMINER
PATEL, CHIRAG R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-50* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

In view of the appeal brief filed on October 20, 2008, PROSECUTION IS

HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-9, 22-29, 39-45, 48, and 50 are rejected under 35 U.S.C. 102(e) as

being anticipated by Himmel et al. – hereinafter Himmel (US 6,041,360).

As per claims 1 and 39, Himmel discloses a method for identifying frequently

accessed domain names in a customer premises equipment that includes a memory

and a communication interface, the frequently accessed domain names to be provided

to a network gateway for use in domain name system caching, comprising the steps of:

(a) searching files in the memory to identify the frequently accessed domain

names; and (Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite

page and an associated descriptive text string which describes the web page in such a

way to be easily recognized by the user, Col 18 lines 17-30; Fig. 13, Fig. 1: items 49-51)

(b) providing the frequently accessed domain names to the communication

interface for transmission to the network gateway (Col 4 lines 43-53; Fig. 1: item 40; as

it functions as any device that interfaces one or more CPE devices to a network when

read in light of applicant's disclosure) over a communication path; (Col 18 lines 17-30;

Figure 13)

wherein the files in the memory comprise application data files that hold

frequently accessed domain names. (Col 18 lines 17-30; Figure 1: items 49-51)

As per claim 2, Himmel discloses the method of claim 1, wherein the customer

premises equipment runs an operating system, and wherein steps (a) and (b) are

initiated during start-up of the operating system. (Col 4 line 54 – Col 5 line 6)

As per claim 3, Himmel discloses the method of claim 1, wherein the customer premises equipment runs an operating system, and wherein steps (a) and (b) are initiated periodically by the operating system. (Col 4 line 54 – Col 5 line 6)

As per claim 4, Himmel discloses the method of claim 1, wherein steps (a) and (b) occur in response to the execution of an application by a user of the customer premises equipment. (Col 5 lines 7-12)

As per claims 5, 25, and 40, Himmel discloses the method of claim 1, wherein step (a) comprises searching application data files associated with a Web browser application. (Col 9 lines 43-60)

As per claims 6, 26, and 41, Himmel discloses the method of claim 1, wherein step (a) comprises searching application data files associated with an electronic mail application. (Col 5 lines 59-67)

As per claims 7, 27, and 42, Himmel discloses the method of claim 1, wherein step (b) comprises packetizing the frequently accessed domain names and providing the packetized information to the communication interface. (Col 1 lines 41-53)

As per claims 8, 28, and 43, Himmel discloses the method of claim 1, wherein

step (b) comprises storing the frequently accessed domain names in a management

information base and providing the management information base to the communication

interface. (Col 10 lines 10-15; Figure 6A)

As per claims 9, 29, and 44, Himmel discloses the method of claim 1, wherein

step (b) comprises generating a domain name system query that includes the frequently

accessed domain name and providing the domain name system query to the

communication interface. (Col 18 lines 17-30; Figure 13)

As per claim 22, Himmel discloses a customer premises equipment comprising:

a memory that stores files, wherein the files comprise application data files that

hold frequently accessed domain names; (Col 6 lines 19-28; Each bookmark entry is

comprised of a URL to a favorite page and an associated descriptive text string which

describes the web page in such a way to be easily recognized by the user, Figure 1

:items 49-51)

a communication interface for transmitting information to a network gateway;

and (Col 4 lines 43-53; Fig. 1: item 46 as it functions as any device that interfaces one

or more CPE devices to a network when read in light of applicant's disclosure)

a processor coupled to the memory and the communication interface; (Fig. 1:

item 22)

wherein said processor is configured to search the files in the memory to identify

frequently accessed domain names (Col 18 lines 17-30; Figure 13)

and to provide the frequently accessed domain names (Col 18 lines 17-30;

Figure 13) to the communication interface for transmission to the network gateway. (Fig.

1: item 40)

As per claim 23, Himmel discloses the customer premises equipment of claim 22,

wherein the memory comprises a hard disk drive. (Col 4 lines 54-Col 4 line 65)

As per claim 24, Himmel discloses the customer premises equipment of claim 22,

wherein the communication interface is a home phoneline network interface, an

Ethernet interface or a Universal Serial Bus interface. (Col 4 lines 54-65)

As per claims 45, 48, and 50, Himmel discloses the method of claim 1, wherein

the customer premises equipment comprises a personal computer. (Col 3 line 64-Col 4

line 11)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-21, 30-38, 46-47, and 49 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Himmel (US 6,041,360) in view of Schiuma (US 2002/0065936).

As per claims 10 and 21, Himmel discloses a method for selectively caching

domain name system information on a network gateway that includes a cache, wherein

the network gateway is attached to a customer premises equipment that includes a

memory, comprising the steps of:

(a) searching files in the memory to identify a frequently accessed domain name;

(Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and

an associated descriptive text string which describes the web page in such a way to be

easily recognized by the user; Col 18 lines 17-30; Fig. 13, Fig. 1: items 49-51)

(b) providing the frequently accessed domain name from the customer premises

equipment to the network gateway; (Col 4 lines 43-53; Fig. 1: item 40; as it functions as

any device that interfaces one or more CPE devices to a network when read in light of

applicant's disclosure)

(c) generating, in the gateway (Fig. 1: item 40), a domain name system query

that includes the frequently accessed domain name; (Col 6 lines 1-18, Col 18 lines 17-

30)

(d) transmitting the domain name system query from the network gateway (Fig.

1: item 40) to a network for resolution; (Col 18 lines 17-30; Figure 13)

(e) receiving, in the gateway, (Fig. 1: item 40) a response to the domain name

system query from

the network that includes the frequently accessed domain name and a corresponding IP

address; and (Col 6 lines 1-18)

wherein the files in the memory comprise application data files that hold

frequently accessed domain names. (Col 18 lines 17-30; Figure 13)

Himmel fails to disclose (f) storing the frequently domain name and the

corresponding IP address in the cache. Schiuma (f) storing the frequently domain name

and the corresponding IP address in the cache. ([0032]; browsers cache DNS

responses and do not make a DNS request every time they connect to a web site)   In

reference to KSR International Co. v. Teleflex Inc., 550 U.S. -, 82 USPQ2d 1385 (2007),

it would been obvious and yielded predictable results to implement a DNS cache in the

browser of Himmel to yield predictable results. The rationale would have been to

provide faster resolution times to domain name requests.

As per claim 11, please see the discussion under claim 2 as similar logic applies.

As per claim 12, please see the discussion under claim 3 as similar logic applies.

As per claim 13, please see the discussion under claim 4 as similar logic applies.

As per claims 14 and 33, please see the discussion under claim 5 as similar logic

applies.

As per claims 15 and 34, please see the discussion under claim 6 as similar logic

applies.

As per claims 16 and 35, please see the discussion under claim 7 as similar logic applies.

As per claims 17 and 36, please see the discussion under claim 8 as similar logic applies.

As per claims 18 and 37, please see the discussion under claim 9 as similar logic applies.

As per claims 19 and 38, Himmel / Schiuma disclose the method of claim 10, and Himmel discloses wherein step (c) comprises generating a domain name system query in accordance with an iterative resolution protocol. (Col 6 lines 1-18)

As per claim 20, Himmel / Schiuma disclose the system of claim 10. Schiuma discloses further comprising:

(g) receiving, in the network gateway, a domain name system query from the customer premises equipment; and ([0032])

(h) resolving, in the network gateway, the domain name system query from the customer premises equipment using a domain name and corresponding IP address stored in the cache. ([0032])

As per claim 30, Himmel discloses a system for selectively caching domain name system information in a network gateway, comprising:

a customer premises equipment (CPE) including a memory that stores files, (Fig. 1: item 24) a communication interface for transmitting information over a communication path, (Fig. 1: items 12, 13)

and a CPE processor coupled to the memory and the communication interface, (Fig. 1 : item 22)

wherein the CPE processor is configured to search the files to identify a frequently accessed domain name and to provide the frequently accessed domain name to the communication interface for transmission over the communication path; and (Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and an associated descriptive text string which describes the web page in such a way to be easily recognized by the user; Col 18 lines 17-30; Fig. 13)

a network gateway (Col 4 lines 43-53; Fig. 1: item 40 including a cache (Col 6 lines 19-28), as it functions as any device that interfaces one or more CPE devices to a network when read in light of applicant's disclosure) a CPE interface for receiving information over the communication path, (Fig. 1: items 28, 29)a network interface for transmitting information over a network, (Col 18 lines 17-30; Fig. 13: item 1)and a gateway processor coupled to the cache, the CPE interface, and the network interface, (Fig.1: item 22)

the gateway processor configured to receive the frequently accessed

domain name from the communication path via the CPE interface, (Col 18 lines 17-30;

Fig. 13)

to generate a domain name system query that includes the frequently accessed

domain name, (Col 18 lines 18-30; Fig. 13) to provide the query to the network interface

for transmission to a network for resolution, (Col 18 lines 18-30; Fig. 13: item 1) to

receive a response to the query from the network via the network interface that includes

the frequently accessed domain name and a corresponding IP address, (Col 6 lines 1-

18; Col 18 lines 18-30; Figure 13: item 2) and

wherein the files in the memory comprise application data files that hold

frequently accessed domain names. (Col 18 lines 17-30; Figure 13)

Himmel fails to disclose to store the frequently accessed domain name and the

corresponding IP address in the cache. Schiuma discloses store the frequently

accessed domain name and the corresponding IP address in the cache. ([0032];

browers cache DNS response)   In reference to KSR International Co. v. Teleflex Inc.,

550 U.S. -, 82 USPQ2d 1385 (2007), it would been obvious and yielded predictable

results to implement a DNS cache in the browser of Himmel to yield predictable results.

The rationale would have been to provide faster resolution times to domain name

requests.

As per claim 31, please see the discussion under claim 23 as similar logic applies.

As per claim 32, please see the discussion under claim 24 as similar logic applies.

As per claims 46-47, and 49, please see the discussion under claim 45 as similar logic applies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue, can be reached on (571)272-3962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pairdirect.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll free).

         /C. R. P./
Examiner, Art Unit 2441

/Larry D Donaghue/
Primary Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454